IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 17034 of 2005(C)

PETITIONER:

N.VIJAYAKUMAR, MAIVADIMADOM,
THIRUVALLAM, TRIVANDRUM DISTRICT.

BY ADV. SRI.M.P.RAMNATH

RESPONDENTS:
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1. THE TRAVANCORE DEVASWOM BOARD, REP.
BY ITS SECRETARY, DEVASWOM BOARD OFFICE,
NANDANCODE, TRIVANDRUM.

2. THE COMMISSIONER, TRAVANCORE
DEVASWOM BOARD, TRIVANDRUM.

3. THE ADMINISTRATIVE OFFICER,
TRAVANCORE DEVASWOM BOARD, TRIVANDRUM.

BY ADV. SRI.ANCHAL C.VIJAYAN, SC, TDB
SRI.D.SREEKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.
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W.P.(c) NO. 17034 OF 2005
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Dated this the 24th day of May, 2007

J U D G M E N T

Radhakrishnan, J.

This writ petition was filed seeking a writ of certiorari to quash Ext.P14 notification and also for a direction to the respondents not to appoint any person other than the petitioner as the priest inside the Thiruvallam Temple and also to direct the respondents to permit the petitioner to continue as the priest inside the Thiruvallam Temple with additional charge of the duties of the priest at Theerthakadavu as recommended by the Assistant Devaswom Commissioner and the Deputy Devaswom Commissioner.

2. We have perused Ext.P14 notification. In the notification, it is specifically stated that the applicant should complete 18 years as on 1/1/2005 and should not exceed the age of 35 years. The petitioner had completed the age of 35 on the relevant date and hence he was not qualified to apply as per Ext.P14 notification.

3. The learned counsel for the petitioner vehemently argued that the selection process adopted by the Board is illegal and an unqualified person was appointed as the priest on the strength of Ext.P14 notification. He also further stated that one Sri.Praveen Kumar was appointed on the basis of the selection conducted and hence he filed an application for impleadment. The impleadment application was filed in the year 2005, but no steps have been taken so far to take out notice to Sri.Praveen Kumar. In our view, since the petitioner was not qualified to apply for the post, he cannot challenge the selection process.

4. Appointing authority can always fix qualification for appointment to a post. We find no error in fixing the age limit as seen from Ext.P14 notification. Admittedly petitioner is overaged and hence he is disqualified for applying for the post.

Writ petition is dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp